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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,143	09/19/2003	Kara Webster	2737.DHE.NP	7205

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EXAMINER
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ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,143

Applicant(s)

WEBSTER ET AL.

Examiner

Paul Royal

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear where the "opening" is located (i.e., on the base plate or on the back plate).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 4,871,184).

Johnson teaches an alignment device to guide the tongue of a trailer toward the hitch ball of a tow vehicle comprising:

a generally horizontal base plate (18), a generally vertical back plate (40) attached to the base plate, an opening/cutout/aperture (28) for receiving a hitch ball to hold the base plate to a hitch post and engagement means (20) formed in at least one of the base

plate and the back plate to engage a hitch post and thereby prevent rotation of the alignment device upon impact with a trailer tongue;

wherein the back plate (40) is curved so as to partially surround a drop hitch ball and thereby to guide the tongue of a trailer or towed vehicle toward the ball hitch;

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, as applied to claim 1, in view of Webb et al. (US 4,844,496).

Johnson, as applied to claim 1, teaches the limitations except wherein the engagement means comprises a recessed channel formed in the base plate and configured to engage a hitch post and maintain the orientation of the alignment device by engagement with a hitch post.

Webb teaches a trailer hitch guide including engagement (11b, 12b) means which comprise a recessed channel between 1/4 and 3/4 inches deep formed in the base plate and configured to engage a hitch post and maintain the orientation of the alignment device by engagement with a hitch post.

It would have been obvious to one of ordinary skill at the time of the invention to modify the hitch guide assembly of Johnson to include engagement means which comprise a recessed channel between 1/4 and 3/4 inches deep formed in the base plate, as taught by Webb, configured to engage a hitch post and maintain the orientation of the alignment device by engagement with a hitch post.

4. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, as applied to claim 1, in view of Poe (6,322,094).

Johnson, as applied to claim 1, teaches a hitch guide assembly having the claimed limitations except a plastic covering disposed on the base plate.

Poe teaches a trailer hitch safety cover comprising a plastic covering (10) disposed on the base plate, to provide a trailer cover that is attractive.

It would have been obvious to one of ordinary skill at the time of the invention to modify the hitch guide assembly of Johnson to include a plastic covering disposed on the base plate, as taught by Poe, to provide a trailer cover which is attractive.

5. Claims 9, 12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 4,871,184) in view of Webb et al. (US 4,844,496).

Johnson teaches an alignment device to guide the tongue of a trailer toward the hitch ball of a tow vehicle comprising;

a generally horizontal base plate (18) including a cutout/channel (28) wherein the

channel extends upwardly into the base plate between  $1/4$  and  $3/4$  of an inch and the channel/cutout is configured for sliding the base plate under a ball of a ball hitch so as to mount the alignment device without complete removal of the ball hitch; and generally vertical back plate (40) which attached to the base plate;

wherein the wherein the cutout in the base plate is configured for sliding the base plate under a ball of a ball hitch so as to mount the alignment device without complete removal of the ball hitch.

Johnson does not teach a flange extending downwardly between  $1/4$  and  $3/4$  of an inch from at least one of the base plate and the back plate to limit rotation of the alignment device.

Webb et al. teaches a flange (11b, 12b) extending between  $1/4$  and  $3/4$  of an inch from at least one of the base plate and the back plate to limit rotation of the alignment device, to support a guide ramp.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the alignment device of Johnson to include a flange extending between  $1/4$  and  $3/4$  of an inch from at least one of the base plate and the back plate to limit rotation of the alignment device, as taught by Webb et al., to support a guide ramp.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and Webb et al., as applied to claim 9, in further view of Poe (6,322,094).

Johnson and Webb et al., as applied to claim 9, teach an alignment device having the claimed limitations except a covering to protect the back plate from scratches

and small dents and wherein the covering is constructed out of plastic which is molded to correspond to the shape of the back plate.

Poe teaches a trailer hitch safety cover comprising a plastic covering (10) disposed on the base plate and molded to correspond to the shape of the back plate, to provide a trailer cover that is attractive.

It would have been obvious to one of ordinary skill at the time of the invention to modify the hitch guide assembly of Johnson and Webb et al., as applied to claim 9, to include a plastic covering disposed on the base plate and molded to correspond to the shape of the back plate, as taught by Poe, to provide a trailer cover which is attractive.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as applied to claim 1 in view of Fleming (US 5,725,232).

Johnson, as applied to claim 1, teaches an alignment device having the claimed limitations except wherein the flange is formed by the back plate.

Fleming teaches a trailer hitch guide having a flange (60) formed by the back plate to provide an inexpensive trailer hitch guide.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the alignment device of Johnson, as applied to claim 1, to include a flange formed by the back plate, as taught by Fleming, to provide an inexpensive trailer hitch guide.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and Webb et al. as applied to claim 9, in further view of Fleming (US 5,725,232).

Johnson and Webb et al. as applied to claim 9, teach an alignment device having the claimed limitations except wherein the flange is formed by the back plate.

Fleming teaches a trailer hitch guide having a flange (60) formed by the back plate to provide an inexpensive trailer hitch guide.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the alignment device of Johnson and Webb et al. as applied to claim 9, to include a flange formed by the back plate, as taught by Fleming, to provide an inexpensive trailer hitch guide.

Claim 7 wherein the engagement means comprises a flange which extends downwardly beyond the base plate.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eichels teaches a trailer hitch guide. Miller teaches a trailer hitch guide. Collins teaches a trailer hitch guide. Baskett teaches a trailer hitch guide. Lazar teaches a self aligning trailer hitch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.



Art Unit: 3611

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal  
June 28, 2004

Paul Royal  
Examiner  
Art Unit 3611



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